

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

ITV DIRECT, INC., )  
 )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 HEALTHY SOLUTIONS, LLC, ET. AL., )  
 )  
 Defendants. )  

---

CAPPSEALS, INC., )  
 )  
 Plaintiff-in- )  
 Intervention )  
 )  
 v. )  
 )  
 HEALTHY SOLUTIONS, LLC., D/B/A )  
 DIRECT BUSINESS CONCEPTS; ITV )  
 DIRECT, INC. AND DIRECT )  
 FULFILLMENT, LLC. )  
 )  
 Intervenor- )  
 Defendants. )  

---

C. A. No. 04-CV10421-JLT  
(DEIN, J)

**CAPPSEALS, INC.'S REPLY TO THE ITV PARTIES'  
OPPOSITION TO CAPPSEALS' MOTION FOR SANCTIONS  
UNDER 28 U.S.C. § 1927 AND THE INHERENT POWERS OF THE COURT**

**EXHIBIT 5, PART 6**

CONFIDENTIAL

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1192646  
1843 / 35965  
Page 3

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
11/10/05	C. Robertson	1.70	Review and annotate motion for summary judgment in Cappseals case; review Silverman affidavit regarding support for summary judgment motion; meet with P. Brooks regarding ; meet with S. Bazarian regarding ; possible affidavits in response; review of appellate record and related issues.
11/10/05	P. Brooks	0.40	Telephone conference with Mike regarding
11/10/05	S. Bazarian	0.30	Conference with C. Robertson regarding
11/11/05	O. Golinder	0.70	Obtain copies of the summary judgment motion filed by Cappseals; review and distribute same.
11/11/05	S. Bazarian	2.20	Review of Cappseals' complaint and motion for summary judgment and ITV's appellate brief.
11/14/05	C. Robertson	0.60	Review motion for summary judgment filed by Cappseals; review Silverman affidavit; review cases regarding
11/14/05	O. Golinder	4.70	Update file; attention to summary judgment papers and filing deadline.
11/15/05	C. Robertson	0.70	Meet with P. Alley regarding
			; review and annotate brief in support of motion for summary judgment; review judgment and amendment issues; review docket regarding prior motion to amend and dismissal.
11/15/05	P. Alley	3.00	Conferences with C. Robertson regarding review motion for summary judgment and pleadings; review Cappseals complaint in intervention and docket; attention to research and review cases on
11/15/05	S. Bazarian	0.30	Conference with C. Robertson; conference with P. Alley regarding
11/16/05	C. Robertson	0.30	Conference with P. Alley regarding ; review e-mails from S. Silverman regarding scheduling of deposition of R. Maihos and document production; respond to S. Silverman.
11/16/05	P. Alley	4.70	Continued research to research on review pleadings; attention research and review cases on
11/17/05	C. Robertson	0.30	Telephone conference with R. Maihos and W. Callahan regarding  correspondence with S. Silverman regarding deposition and scheduling.

ITV 000801

CONFIDENTIAL

# SEYFARTH

ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1192646

1843 / 35965

Page 4

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
11/17/05	O. Golinder	0.30	Draft letter to W. Callahan regarding ; send same.
11/18/05	C. Robertson	0.40	Conference with S. Gelwick and P. Alley regarding ; review e-mail from S. Gelwick regarding ; call with M. Sciucco.
11/18/05	P. Alley	5.00	Attention to drafting opposition to pre-trial summary judgment.
11/18/05	S. Gelwick	5.70	Telephone conferences with S. Silverman; conference with C. Robertson and P. Alley; conduct research regarding ; review Cappseals' motion for summary judgment and conduct research regarding piercing the corporate veil in reach and apply action in order to oppose motion.
11/21/05	C. Robertson	0.30	Telephone conference with S. Gelwick regarding ; telephone conference with W. Callahan regarding
11/21/05	S. Gelwick	4.30	Telephone conferences with S. Silverman regarding Rule 30(b)(6) depositions and Cappseals' motion for summary judgment; conference with C. Robertson regarding ; conduct research for opposition to summary judgment; begin drafting statement of disputed facts.
11/22/05	C. Robertson	0.70	Telephone conference with W. Callahan regarding ; telephone conferences with S. Gelwick regarding ; correspondence with P. Brooks regarding ; telephone conference with M. Sciucco regarding ; telephone conference with K. York regarding
11/22/05	O. Golinder	4.10	Draft motion for extension of time to file opposition; conference with S. Silverman regarding extension of time to produce documents; conferences with S. Gelwick regarding ; review documents received from W. Callahan.
11/22/05	S. Gelwick	4.80	Telephone conferences with S. Silverman regarding depositions and documents; telephone conference with W. Callahan regarding ; review deposition notices; preparation of correspondence to S. Silverman; conference with C. Robertson and with P. Brooks; review documents of DMC for production to Cappseals.

ITV 000802

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1192646  
1843 / 35965  
Page 5

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
11/23/05	C. Robertson	0.60	Telephone conference with M. Sciucco regarding telephone conference with P. Brooks regarding review documents provided by W. Callahan for production, including tax returns and general ledgers; review document requests regarding
11/23/05	O. Golinder	3.50	Review and prepare documents for production; telephone conference with S. Silverman regarding same; conferences with S. Gelwick regarding ; telephone conference with W. Callahan regarding
11/23/05	S. Gelwick	3.30	Review additional documents from W. Callahan; conferences with O. Golinder regarding ; preparation of correspondence to S. Silverman and document production; review correspondence and attachments from S. Silverman; telephone conference with S. Silverman regarding depositions; telephone call to Judge Tauros' clerk.
<b>Total Hours</b>		124.60	
<b>Total Fees</b>			32,300.50

**Disbursements**

Federal Express/Messenger	8.65	
Copying	2101.40	
Facsimile	3.00	
Online Research - Westlaw - October 2005	1580.37	
Deposition Transcripts - O'Brien & Levine - Transcript of Wayne P. Callahan	697.00	
West Group	193.20	
<b>Total Disbursements</b>		<b><u>\$4,583.62</u></b>
<b>Total This Statement</b>		<b><u>\$36,884.12</u></b>

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200  
CHICAGO, ILLINOIS 60603-5803  
AREA CODE (312) 346-8000  
FEDERAL ID 36-2152202

ATLANTA  
BOSTON  
CHICAGO  
HOUSTON  
LOS ANGELES  
NEW YORK  
SACRAMENTO  
SAN FRANCISCO  
WASHINGTON, D.C.  
BRUSSELS

December 2005

Invoice No. 1192646  
1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.  
55 Cherry Hill Drive  
Beverly, MA 01915  
Attention:

---

**INVOICE SUMMARY**

Total Fees	\$32,300.50
Total Disbursements	<u>4,583.62</u>
Total Fees and Disbursements This Statement	<u>\$36,884.12</u>

---

**PLEASE RETURN THIS COPY WITH YOUR PAYMENT**

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE  
ACCOUNT NUMBER: 4036166  
ABA NUMBER: 071000013

ITV 000804



55 EAST MONROE STREET - SUITE 4200  
CHICAGO, ILLINOIS 60603-5803  
AREA CODE (312) 346-8000  
FEDERAL ID 36-2152202

ATLANTA  
BOSTON  
CHICAGO  
HOUSTON  
LOS ANGELES  
NEW YORK  
SACRAMENTO  
SAN FRANCISCO  
WASHINGTON, D.C.  
BRUSSELS

January 2006

Invoice No. 1197318  
1843 35965 / 35965-000006  
C3

Direct Marketing Concepts, Inc.  
55 Cherry Hill Drive  
Beverly, MA 01915  
Attention:

For legal services rendered through the month of December 2005

**Supreme Greens Litigation**

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
11/25/05	S. Gelwick	0.70	Review email from C. Robertson; preparation of correspondence to S. Silverman regarding deposition of Maihos; review facsimile from client and subpoena and return of service for DMC deposition.
11/28/05	C. Robertson	0.70	Meet with S. Gelwick regarding , review issues regarding opposition to motion for summary judgment and draft email to Wayne Callahan regarding : ; review docket regarding response to summary judgment and appeal issues; call with M. Sciucco regarding
11/28/05	O. Golinder	2.90	Emails to/from W. Callahan regarding : conference with S. Gelwick regarding , review additional documents received from W. Callahan; attention to production of documents from last week.
11/28/05	S. Gelwick	4.60	Revision of affidavits to be filed in support of opposition to motion for summary judgment; conference with C. Robertson regarding ; preparation of statement of material facts in dispute and portions of argument in opposition to motion for summary judgment.

BILLS ARE DUE AND PAYABLE UPON RECEIPT  
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE  
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1197318  
1843 / 35965  
Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
11/29/05	C. Robertson	2.20	Call with S. Gelwick regarding review Cappseals statement of facts regarding ; call with M. Sciucco regarding
11/29/05	S. Gelwick	3.70	Review Judge Tauro's order on Cappseals' motion to impound and exhibits filed by Cappseals in support of motion for summary judgment; further research regarding telephone conference with M. Sciucco.
11/30/05	C. Robertson	0.20	Meet with S. Gelwick regarding
11/30/05	S. Gelwick	4.40	Preparation further drafting of statement of material facts in dispute; conference with P. Alley regarding ; conduct further research regarding conference with C. Robertson.
12/01/05	O. Golinder	0.40	Obtain orders in support of summary judgment opposition; email to W. Callahan regarding
12/01/05	P. Alley	8.20	Review cases and authorities Drafting argument in opposition in Cappseals summary judgment motion.
12/01/05	S. Gelwick	3.80	Drafting ; review of ITV's documents produced in response to Cappseals' motion for post-judgment relief;
12/02/05	C. Robertson	0.40	Review ; call with S. Gelwick regarding
12/02/05	O. Golinder	5.50	Review and revise opposition to motion for summary judgment, affidavits, statement of facts; shepardize and cite check same; attention to exhibits; electronically file same.
12/02/05	P. Alley	10.00	Drafting and revising opposition to summary judgment motion.
12/02/05	P. Brooks	0.80	Review and revise summary judgment opposition

CONFIDENTIAL

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1197318  
1843 / 35965  
Page 3

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
12/02/05	S. Gelwick	5.70	Drafting summary judgment; revising of material facts in dispute; revising of memorandum in opposition; conference with P. Alley regarding preparation of documents for filing; exchange emails with opposing counsel regarding documents; review
12/05/05	C. Robertson	0.40	Call with S. Gelwick regarding ; call with M. Sciucco regarding ; review documents provided by W. Callahan.
12/05/05	O. Golinder	2.50	Message to W. Callahan regarding review deposition of W. Callahan; conference with S. Gelwick; email from/to M. Sciucco; review documents produced by W. Callahan; attention to file.
12/05/05	S. Gelwick	3.20	Review electronic filings; review emails from Cappseals' counsel regarding documents and respond to emails; review 2005 general ledger of DMC and tax returns to be produced to Cappseals; conference with P. Brooks; review subpoena and doc requests served on DMC and portions of W. Callahan deposition relating to Quicken software.
12/06/05	C. Robertson	0.20	Call with S. Gelwick regarding ; review summary judgment
			issues regarding after ego claims.
12/06/05	O. Golinder	4.30	Attention to production of additional documents to S. Silverman; conference with S. Gelwick regarding prepare index of documents produced.
12/06/05	O. Golinder	0.30	Review docket regarding whether Cappseals filed their reply brief.
12/06/05	P. Alley	1.00	Review Cappseals brief.
12/06/05	S. Gelwick	2.30	Further review of deposition transcript of W. Callahan and prior document production; review emails from D. Kelly regarding documents; conference with O. Golinder regarding
12/07/05	C. Robertson	1.20	Review and annotate Cappseals appellate brief regarding review emails from D. Kelly regarding documents; call with S. Gelwick regarding call with M. Sciucco regarding
12/07/05	O. Golinder	5.70	Attention to organizing documents produced; prepare index of documents produced; review production for missing statements; review previous productions for invoices from DMC; draft email to W. Callahan regarding ; conference with S. Gelwick regarding

ITV 000807



CONFIDENTIAL

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1197318  
1843 / 35965  
Page 4

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
12/07/05	P. Alley	2.00	Review cases; outline reply memorandum; review email from C. Robertson.
12/07/05	P. Brooks	0.80	Review appellate briefs
12/07/05	S. Gelwick	4.30	Review of appellate brief of Cappseals and emails from C. Robertson regarding ; review emails from opposing counsel regarding document production; further review of deposition testimony of W. Callahan in order to respond to opposing counsel; review post judgment document production of ITV and DMC; conference with C. Robertson.
12/08/05	C. Robertson	0.80	Review and annotate appellate brief regarding reply arguments and reach and apply issues; call with S. Gelwick regarding
12/08/05	P. Brooks	0.40	Telephone conference with Mike and revise complaint
12/08/05	S. Gelwick	2.80	Review case law cited by Cappseals in appellate brief; research First Circuit case law in order to draft reply brief; review First Circuit rules regarding reply brief; telephone conference with C. Robertson regarding
12/09/05	S. Gelwick	1.20	Review emails from opposing counsel; preparation of correspondence to D. Kelly regarding document production; review DMC supplemental document production.
12/09/05	S. Gelwick	0.70	Continue to review arguments raised by Cappseals' in appellate brief and cases cited; review email of C. Robertson regarding
12/12/05	C. Robertson	0.80	Meet with J. Calandrelli regarding ; review regarding reply brief; meet with P. Alley regarding
12/12/05	P. Alley	4.00	Review email from C. Robertson; attention to drafting and revising reply argument on dismissals with prejudice for first circuit appeal.
12/12/05	S. Gelwick	1.20	Draft correspondence to D. Kelly regarding discovery; review Cappseals arguments regarding
12/13/05	C. Robertson	0.40	Review notice from court regarding failure of Healthy Solutions to file appellee brief; review reply brief on motion for summary judgment.
12/13/05	P. Brooks	1.50	Review reply brief and supporting affidavit
12/13/05	S. Gelwick	0.70	Review notice from First Circuit; conference with P. Alley regarding ; review emails of D. Kelly regarding accounting reports; exchange emails with W. Callahan regarding

ITV 000808

CONFIDENTIAL

# SEYFARTH

ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1197318  
1843 / 35965  
Page 5

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
12/14/05	C. Robertson	0.70	Call with B. Christensen regarding dismissal of appeal and contact by First Circuit; review settlement agreement; call with S. Gelwick regarding ; review email from B. Christensen regarding appeal and dismissal.
12/14/05	P. Alley	6.50	Emails from C. Robertson regarding ; drafting and revising reply brief; reviewing Wright & Miller on mootness doctrine.
12/14/05	S. Gelwick	0.50	Review and respond to emails of C. Robertson regarding ; review appellate rules regarding voluntary dismissals; review email of B. Christenson.
12/15/05	C. Robertson	0.70	Call with First Circuit clerk regarding motion to amend caption and settlement with Healthy Solutions; send email to B. Christensen regarding call with clerk and motion; review First Circuit rules regarding motions and amending captions.
12/15/05	P. Alley	3.00	Drafting and revising reply.
12/15/05	S. Gelwick	0.50	Review Cappseals' reply brief to motion for summary judgment and electronic notices from the court regarding same.
12/16/05	P. Alley	3.00	Review FTC memorandum in support of summary judgment; attention to reply.
12/18/05	S. Gelwick	1.70	Research First Circuit case law regarding ; review case law cited by Cappseals in order to draft reply brief.
12/19/05	S. Gelwick	0.80	Review correspondence from S. Silverman regarding discovery dispute and depositions; review prior correspondence with counsel and objections to subpoena served on W. Callahan in order to draft response.
12/20/05	S. Gelwick	2.30	Research MA case law regarding ; review official commentary to UCC; drafting of reply brief for appeal.
12/21/05	H. Sheldon	4.50	Legal research regarding ; legal research regarding
12/21/05	P. Alley	3.00	Attention to drafting and revising reply brief regarding dismissal and mootness arguments.
12/21/05	S. Gelwick	10.70	Drafting of reply brief for First Circuit; conduct research to update arguments and to distinguish cases cited by Cappseals; review correspondence from S. Silverman.
12/22/05	C. Robertson	0.60	Review issues regarding reply brief in Cappseals case and arguments on reply; meet with P. Alley and S. Gelwick regarding ; review notice from First Circuit regarding oral argument.

CONFIDENTIAL

# SEYFARTH

ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1197318  
1843 / 35965  
Page 6

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
12/22/05	O. Golinder	4.50	Review and revise reply brief; prepare table of authorities and table of contents; draft cover letter; prepare compliance certificate.
12/22/05	P. Alley	6.50	Drafting and revising reply brief; proofreading brief; conferences with S. Gelwick and O. Golinder; review Cappseals; reply brief in support of summary judgment in new case.
12/22/05	S. Gelwick	7.70	Drafting and revising of reply brief; prepare brief for filing in the First Circuit; review facsimile from S. Silverman.
12/23/05	P. Alley	2.00	Attention to reviewing cases cited by Cappseals; outline for surreply.
12/23/05	S. Gelwick	0.80	Review correspondence with W. Callahan in order to prepare privilege log; review Cappseals request for production of documents from ITV, DMC and W. Callahan in order to respond to correspondence from S. Silverman.
12/27/05	O. Golinder	1.50	Attention to file.
12/27/05	P. Brooks	0.40	Review Cappseals reply brief in fraudulent transfer action
12/27/05	S. Gelwick	0.40	Review correspondence from S. Silverman; review emails to W. Callahan for privilege log.
12/28/05	C. Robertson	0.70	Meet with P. Alley regarding ; review affidavit provided by Cappseals accounting expert; call with W. Callahan regarding:
12/28/05	P. Alley	0.50	Conference with C. Robertson on email from C. Robertson. ; review
12/28/05	S. Gelwick	0.50	Review affidavit filed by Cappseals and email from C. Robertson regarding review prior affidavit filed by W. Callahan in opposition to Cappseals' motion for summary judgment.
12/29/05	C. Robertson	0.40	Call with W. Callahan regarding ; review affidavit regarding response; call with O. Golinder regarding
12/29/05	P. Brooks	0.70	Review reply brief
12/29/05	S. Gelwick	0.30	Review document requests to W. Callahan and correspondence from S. Silverman; review emails from W. Callahan.
12/30/05	S. Gelwick	0.80	Review emails from C. Robertson and draft affidavit; review Cappseals' reply to motion for summary judgment and supporting documentation; review notice from the First Circuit regarding oral argument.

**Total Hours** 163.10

**Total Fees** 44,420.50

ITV 000810

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1197318  
1843 / 35965  
Page 7**Disbursements**

Online Research	308.41
Local Messenger	18.50
Parking Validations	14.00
Copying	392.00
Facsimile	6.00
Postage	14.80
Local Travel - BOSTON CAB DISPATCH	27.45
Local Travel - BOSTON CAB DISPATCH	40.15
Meals - AMERICAN EXPRESS 10/30/05-11/05.	20.40
Litigation Support Vendors - BEACON HILL RESEARCH	167.05

**Total Disbursements** **\$1,008.76****Total This Statement** **\$45,429.26**

~~CONFIDENTIAL~~

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200  
CHICAGO, ILLINOIS 60603-5803  
AREA CODE (312) 346-8000  
FEDERAL ID 36-2152202

ATLANTA  
BOSTON  
CHICAGO  
HOUSTON  
LOS ANGELES  
NEW YORK  
SACRAMENTO  
SAN FRANCISCO  
WASHINGTON, D.C.  
BRUSSELS

January 2006

Invoice No. 1197318  
1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.  
55 Cherry Hill Drive  
Beverly, MA 01915  
Attention:

---

### INVOICE SUMMARY

Total Fees	\$44,420.50
Total Disbursements	<u>1,008.76</u>
Total Fees and Disbursements This Statement	<u>\$45,429.26</u>

---

### ACCOUNTS RECEIVABLE SUMMARY

A review of our records reflects the following invoice(s) remain unpaid. Please remit payment promptly.

<i>Date</i>	<i>Invoice</i>	<i>Invoice Amount</i>	<i>Payment Received</i>	<i>Balance</i>
12/09/05	1192646	\$36,884.12	(\$35,209.76)	\$1,674.36

If you have any questions with regard to the amount as stated, please contact Kathy Hobbs in our Finance Department at 312-346-8000, ext. 3309.

---

**PLEASE RETURN THIS COPY WITH YOUR PAYMENT**

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE  
ACCOUNT NUMBER: 4036166  
ABA NUMBER: 071000013

ITV 000812

CONFIDENTIAL



55 EAST MONROE STREET - SUITE 4200  
CHICAGO, ILLINOIS 60603-5803  
AREA CODE (312) 346-8000  
FEDERAL ID 36-2152202

ATLANTA  
BOSTON  
CHICAGO  
HOUSTON  
LOS ANGELES  
NEW YORK  
SACRAMENTO  
SAN FRANCISCO  
WASHINGTON, D.C.  
BRUSSELS

February 2006

Invoice No. 1206739  
1843 35965 / 35965-000006  
C3

Direct Marketing Concepts, Inc.  
55 Cherry Hill Drive  
Beverly, MA 01915  
Attention:

For legal services rendered through the month of January 2006

**Supreme Greens Litigation**

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
01/02/06	C. Robertson	0.40	Prepare motion to amend caption regarding settlement with Healthy Solutions.
01/03/06	C. Robertson	0.60	Call with W. Callahan regarding ; meet with S. Gelwick regarding: review draft motion and revise.
01/03/06	S. Gelwick	1.30	Review and revise motion to First Circuit; review subpoenas to clients and requests for communications to W. Callahan; review emails with W. Callahan; preparation of correspondence to S. Silverman; telephone conference with clerk at First Circuit regarding oral argument.
01/04/06	C. Robertson	1.20	Finalize and file motion to amend caption with First Circuit; call with W. Callahan regarding ; meet with S. Gelwick regarding
01/04/06	P. Alley	0.50	Review FTC motion to dismiss; review
01/04/06	S. Gelwick	1.20	Review emails from W. Callahan preparation of correspondence to S. Silverman; review emails from opposing counsel and notice from the First Circuit.
01/04/06	T. McGrath	0.20	Prepare motion to amend caption for filing.

BILLS ARE DUE AND PAYABLE UPON RECEIPT  
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE  
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

ITV 000813

CONFIDENTIAL

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1206739  
1843 / 35965  
Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
01/05/06	C. Robertson	0.30	Call with M. Sciucco regarding review W. Callahan response and general ledger issues regarding DMC.
01/05/06	S. Gelwick	2.20	Review documents received from W. Callahan, redact, and prepare for production to Cappseals; preparation of correspondence to S. Silverman regarding supplemental document production; review privileged documents for privilege log; review comments of W. Callahan regarding
01/05/06	T. McGrath	0.20	Prepare for filing with 1st Circuit, letter notifying Court of attorney presenting oral argument.
01/06/06	S. Gelwick	0.20	Review additional comments regarding affidavit to file in response to Cappseals' motion for summary judgment.
01/09/06	C. Robertson	0.30	Call with First Circuit regarding motion to amend caption and service; review service issues and motion; review letter from counsel regarding withdrawal from district court proceedings.
01/09/06	P. Alley	4.00	Review affidavits and attachments for surreply; drafting and revising surreply.
01/10/06	C. Robertson	0.20	Call with Court of Appeals Clerk regarding appeal and motion to amend caption; review service issues regarding motion to amend caption.
01/10/06	P. Alley	6.00	Drafting and revising surreply; review cases on review audit and financial records; review preliminary injunction order.
01/11/06	P. Alley	4.50	Drafting and revising surreply.
01/12/06	C. Robertson	0.30	Call with First Circuit clerk regarding service of motion issues and motion to dismiss appeal filed by Cappseals.
01/12/06	O. Golinder	2.40	Obtain copies of reply to motion for summary judgment; file management.
01/12/06	P. Alley	2.00	Drafting and revising surreply.
01/12/06	S. Gelwick	0.80	Conference with P. Alley regarding review reply filed by Cappseals; review correspondence from S. Silverman.
01/13/06	O. Golinder	0.40	Conference with C. Robertson; draft certificate of service of motion to amend caption for Healthy Solutions; serve same; fax to Appeals Court.

ITV 000814



**SEYFARTH**  
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1206739  
1843 / 35965  
Page 3

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
01/13/06	S. Gelwick	1.80	Review Cappseals' motion to dismiss ITV's appeal; review First Circuit rules regarding ; review appellate brief and reply brief in order to respond to motion to dismiss; review
01/17/06	C. Robertson	0.40	Review and annotate motion to dismiss appeal; review arguments in reply brief regarding dismissal of appeal; call with S. Gelwick regarding
01/17/06	P. Alley	7.50	Drafting and revising surreply memorandum; review of affidavits and attached document and financial records.
01/18/06	P. Alley	4.30	Drafting and revising surreply; email to C. Robertson and S. Gelwick.
01/18/06	S. Gelwick	3.40	Review of draft of surreply; review of affidavits filed by Cappseals in support of reply brief and affidavits of D. Barrett and W. Callahan; revise arguments in surreply; conduct research regarding piercing the corporate veil in fraudulent transfers and reach and apply actions.
01/19/06	O. Golinder	2.30	Attention to case management.
01/19/06	S. Gelwick	2.20	Review of case law cited by Cappseals in reply to summary judgment opposition; review cases cited in surreply in order to revise surreply.
01/20/06	C. Robertson	0.20	Review notice from court regarding deferral of decision on motion to amend caption and motion to dismiss appeal.
01/20/06	S. Gelwick	0.90	Revisions to surreply to Cappseals' motion for summary judgment.
01/23/06	C. Robertson	0.20	Review order from Court of Appeals regarding oral argument; meet with P. Alley regarding
01/23/06	P. Alley	4.50	Email from S. Gelwick; review Judge O'Toole's ruling on receiverships' motion; reviewing complaint for statement of facts regarding opposition to motion to dismiss; drafting and revising facts section; drafting and revising section on enjoining FTC proceedings, distinguishing FTC cases.
01/23/06	S. Gelwick	0.40	Review notice from First Circuit regarding oral argument; telephone conference with clerk regarding scheduling of oral argument and regarding Cappseals' motion to dismiss; review First Circuit rules regarding filing of opposition.
01/24/06	O. Golinder	0.80	Obtain cases for P. Alley.
01/25/06	S. Gelwick	0.20	Review notice of the court on motion to dismiss; review Cappseals' motion.



CONFIDENTIAL

# SEYFARTH

ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1206739  
1843 / 35965  
Page 4

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
01/26/06	C. Robertson	1.10	Review and revise sur-reply to motion for summary judgment in Cappseals case; review cases and affidavits; review W. Callahan testimony; meet with P. Alley and S. Gelwick.
01/27/06	C. Robertson	0.30	Call with P. Alley regarding review briefs regarding appeal; review notice from First Circuit; call with O. Golinder regarding
01/27/06	O. Golinder	0.30	Draft and file motion for extension of time.
01/27/06	S. Gelwick	0.60	Review and revise final draft of surreply to Cappseals' reply to motion for summary judgment for filing.
01/30/06	O. Golinder	2.30	Review and revise surreply; draft motion for leave to file a surreply; file and serve same; review and revise opposition to motion to dismiss appeal; file and serve same.
01/30/06	S. Gelwick	0.70	Draft opposition to Cappseals' motion to dismiss appeal for filing in the First Circuit; review arguments asserted in Reply brief concerning Cappseals' mootness argument asserted in motion to dismiss; review motion for leave to file reply.
01/31/06	S. Gelwick	0.20	Review electronic notices from court regarding surreply; review schedule of oral arguments from First Circuit.

---

**Total Hours** 63.80

**Total Fees** 19,405.00

## Disbursements

Online Research	1127.82
Local Messenger	35.88
Taxi	14.00
Copying	72.60
Postage	8.55
Travel	14.00

**Total Disbursements** \$1,272.85

**Total This Statement** \$20,677.85

---

CONFIDENTIAL

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200  
CHICAGO, ILLINOIS 60603-5803  
AREA CODE (312) 346-8000  
FEDERAL ID 36-2152202

ATLANTA  
BOSTON  
CHICAGO  
HOUSTON  
LOS ANGELES  
NEW YORK  
SACRAMENTO  
SAN FRANCISCO  
WASHINGTON, D.C.  
BRUSSELS

February 2006

Invoice No. 1206739  
1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.  
55 Cherry Hill Drive  
Beverly, MA 01915  
Attention:

---

**INVOICE SUMMARY**

Total Fees	\$19,405.00
Total Disbursements	<u>1,272.85</u>
Total Fees and Disbursements This Statement	<u>\$20,677.85</u>

---

**PLEASE RETURN THIS COPY WITH YOUR PAYMENT**

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE  
ACCOUNT NUMBER: 4036166  
ABA NUMBER: 071000013

ITV 000817

CONFIDENTIAL

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200  
CHICAGO, ILLINOIS 60603-5803  
AREA CODE (312) 346-8000  
FEDERAL ID 36-2152202

ATLANTA  
BOSTON  
CHICAGO  
HOUSTON  
LOS ANGELES  
NEW YORK  
SACRAMENTO  
SAN FRANCISCO  
WASHINGTON, D.C.  
BRUSSELS

March 2006

Invoice No. 1214143  
1843 35965 / 35965-000006  
C3

Direct Marketing Concepts, Inc.  
55 Cherry Hill Drive  
Beverly, MA 01915  
Attention:

For legal services rendered through the month of February 2006

**Supreme Greens Litigation**

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
02/02/06	C. Robertson	3.70	Prepare for First Circuit argument on Cappseals case; review briefs and cases ; meet with S. Gelwick and P. Brooks regarding
02/02/06	O. Golinder	3.80	Attention to obtaining copies of appellate submissions for C. Robertson; obtain and organize copies of cases cited by ITV and Cappseals; conferences with C. Robertson regarding
02/02/06	S. Gelwick	3.30	Review arguments in First Circuit briefs for relevant case law; pull relevant cases; conference with C. Robertson regarding ; review all emails for preparation of privilege log for Cappseals; review correspondence from S. Silverman regarding
02/03/06	S. Gelwick	1.80	Review electronic notice from the court and docketing of opposition to motion to dismiss; telephone conference with clerk at First Circuit; review arguments in appellate briefs filed by ITV and Cappseals to prepare for conference call with C. Robertson; review docket in Cappseals' new action.
02/05/06	C. Robertson	8.30	Prepare for oral argument on Cappseals appeal; review cases and briefs regarding arguments on appeal; outline arguments for appeal; review record on appeal, and related documents; call with M. Sciucco regarding review district court opinion.

BILLS ARE DUE AND PAYABLE UPON RECEIPT  
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE  
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

ITV 000818

CONFIDENTIAL

# SEYFARTH

ATTORNEYS SHAW<sub>LLP</sub>

Direct Marketing Concepts, Inc.

Invoice No. 1214143  
1843 / 35965  
Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
02/05/06	S. Gelwick	1.40	Review case law
02/06/06	C. Robertson	5.20	Prepare for and argue appeal in First Circuit regarding Cappseals reach and apply claim and district court judgment; review cases cited in briefs; outline arguments for appeal; review docket and record on appeal; meet with P. Brooks regarding ; meet with S. Gelwick regarding ; meet with M. Sciucco regarding
02/06/06	P. Brooks	1.40	Court of appeals argument
02/06/06	S. Gelwick	0.40	Attend oral argument in ITV appeal of Cappseals' judgment.
02/07/06	S. Gelwick	1.30	Review correspondence from S. Silverman regarding ; review financial documents produced to Cappseals and documents withheld from production to be included in privilege log.
02/08/06	S. Gelwick	3.80	Review draft of opposition to motion to dismiss; conference regarding additional research; conduct research of federal case law regarding
02/09/06	S. Gelwick	0.60	Further review of case law cited in opposition to motion to dismiss.
02/14/06	O. Golinder	2.30	Review and revise opposition to motion to dismiss; electronically file same.
02/22/06	P. Alley	0.40	Email from C. Robertson; review attached draft letter; conference with C. Robertson regarding:
02/24/06	S. Gelwick	0.10	Review court's electronic order.
02/27/06	S. Gelwick	1.30	Telephone conference with S. Silverman regarding review most recent document productions relating to ITV and DMC financials; review affidavit of W. Callahan regarding ledgers.
<b>Total Hours</b>		<b>39.10</b>	
<b>Total Fees</b>			<b>13,132.00</b>

Disbursements

Online Research	68.43
Local Messenger	13.50
Local Travel - BOSTON CAB DISPATCH	55.25
Local Travel - BOSTON CAB DISPATCH	24.70

**Total Disbursements** \$ 161.88

**SEYFARTH**  
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1214143

1843 / 35965

Page 3

**Total This Statement**

**\$13,293.88**